

REMARKS

Applicants, by the amendments presented above, have made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance.

5 Applicants acknowledge with appreciation the indicated allowance of claims 2, 4 and 7-10 if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

10 Claims 1, 3, 5 and 6 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by United States Patent No. 3,677,329 to Kirkpatrick (newly-cited). Claim 1 has been amended to specify "A flexible conduit for a breathing circuit comprising: . . . an enclosing wall defining a flexible gases passageway between said inlet and said outlet, at least a region of said enclosing wall being of a material that allows the passage of water vapour without allowing the passage of liquid water or respiratory gases through said wall, and . . . said flexible conduit is of a type suitable for conveying breathing gases to or from a patient." Applicants submit that Kirkpatrick
15 does not anticipate the amended claims and cannot be modified to render obvious the amended claims. Reconsideration and withdrawal of the rejection in view of the amendments made herein are requested.

In Kirkpatrick, the only region including a material that allows the passage of water vapour without allowing the passage of liquid water is annular chamber 25. However, Col. 2,
20 line 73 to Col. 3, line 5 discloses that:

The annular chamber 25 is closed at both ends by cover plates 32, such as the one shown in FIG. 1, which leave the isothermal working space 12 open for easy access from the outside. The annular chamber 25 is evacuated of non-condensable gases, such as air, and

contains a vaporizable fluid 34 of sufficient quantity to wet the entire wick material by capillary action.

Therefore, Applicants submit that the disclosure of Kirkpatrick does not include “an inlet, and an outlet, and an enclosing wall defining a gases passageway between said inlet and said outlet, at least region of said enclosing wall being of a material that allows the passage of water vapour without allowing the passage of liquid water or respiratory gases . . .” as specified in the amended claims.

Further, Applicants have amended claim 1 to clarify that the passage of water vapour occurs through said wall. Applicants submit that this amendment further distinguishes Kirkpatrick requiring that the enclosing wall define a flexible gases passageway. In contrast, Col. 2 of Kirkpatrick discloses the “concentric inner and outer cylindrical metal tubes 22 and 24 respectively”.

Therefore, Applicants submit that Kirkpatrick does not anticipate amended claim 1 and cannot be modified to render obvious amended claim 1. Reconsideration and withdrawal of the rejection is requested. Allowance of claim 1 is requested.

Claims 3, 5 and 6 are dependent upon claim 1, which Applicants submit is in condition for allowance. Therefore, Applicants submit that claims 3, 5 and 6 are allowable.

Reconsideration and allowance is requested.

The specification has been amended to conform the summary to the claims.

A Petition for a Three-Month Extension of Time is concurrently submitted herewith to extend the date for response up to and including March 21, 2007.

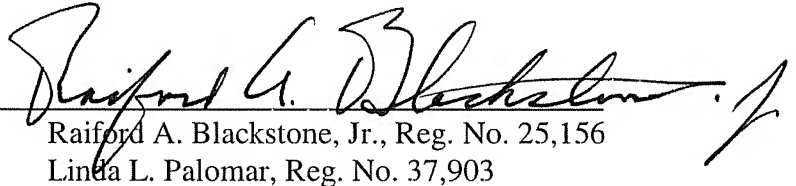
In view of the above Amendments and Remarks, Applicants respectfully submit that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

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Respectfully submitted,

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